

UNITED STATES DISTRICT COURT

DEC 15 2011

SOUTHERN

DISTRICT OF

TEXAS

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

GERARDO VILLAREAL
United States Citizen. YOB: 1989Case Number: M-11-3282-M

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about May 28, 2011 in Hidalgo County, in
(Date)

the Southern District of Texas defendant(s) did,

(Track Statutory Language of Offense)

unlawfully seize, confine, inveigle, decoy, kidnap, abduct, or carry away and hold for ransom or reward or otherwise any person, when the person is willfully transported in interstate or foreign commerce, regardless of whether the person was alive when transported across a State boundary, or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense

in violation of Title 18 United States Code, Section(s) 2 and 1201(a)(1)

I further state that I am a(n) FBI Special Agent and that this complaint is based on the
Official Title

following facts:

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No

Approved by: [Signature]
12/15/11

[Signature]
Signature of Complainant

James Matthew Moody
Printed Name of Complainant

Sworn to before me and signed in my presence,

12/15/2011
Date
Dorina Ramos
US Magistrate Judge
Name and Title of Judicial Officer

at McAllen, Texas
City and State
[Signature]
Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent James Matthew Moody, being duly sworn, do hereby depose and state that:

1. Your affiant is currently employed as a Special Agent of the Federal Bureau of Investigation (FBI) assigned to the McAllen Resident Agency, San Antonio Division. Your affiant has been employed as a Special Agent since January 2011. Your affiant was previously employed as an Assistant State's Attorney for Macon County, Illinois for two years and a State of Illinois labor investigator for four years.

2. This affidavit is being filed based on the personal knowledge and observations of the affiant and other law enforcement personnel. This affidavit is intended to support probable cause, but it is not intended to convey all the facts of the investigation.

3. On or about Sunday, May 29, 2011, a Hidalgo County Sheriff's deputy was dispatched to a location in Mission, Texas, East of Los Ebanos Road, on 8 Mile Line Road to a beige stucco home, on the north side of the road.

4. Upon arrival, the deputy made contact with ORALIA ELIZONDO. ELIZONDO stated that her sister-in-law, VERONICA GUERRERO, had advised that a group of men had taken GUERRERO's husband, OVIDIO OLIVARES GUERRERO ("OVIDIO"), away in handcuffs. OVIDIO had not yet returned home.

5. GUERRERO stated that on or about May 28, 2011, she and her husband OVIDIO, drove to the home of GERARDO OLIVAREZ, also known as (a.k.a.) "LIN." LIN is OVIDIO's cousin. Three other vehicles also arrived simultaneously at LIN's residence. One of the vehicles, a white Ford truck, parked behind her in the driveway. She also noted that two Jeep vehicles, one black and one silver, accompanied the Ford truck and parked across the street from the home.

6. Two males got out of the white truck. The driver of the truck identified himself as a police officer and was wearing a shirt with an embroidered police badge insignia and a duty belt containing a gun. The men pulled OVIDIO to one side and later handcuffed him. The driver of the Ford truck advised that the men in the Jeeps were also officers and were there with him. The men left with OVIDIO in the Ford truck and the two Jeep vehicles followed. The incident was then reported to the Hidalgo County Sheriff's Office (HCSO).

7. On or about Sunday, June 12, 2011, Mission Police Department officers were dispatched to Hawthorn Suites, 3700 Plantation Grove Boulevard, Mission, Texas, regarding individuals selling narcotics in the area. Upon arrival, officers were advised that two male subjects residing in room #158, had identified themselves as drug cartel members, indicated they possessed a firearm, and were also attempting to sell narcotics.

8. Officers proceeded to room #158 and made contact with KIMBERLY ANN ALEJANDRO, a female juvenile, year of birth (YOB) 1994, HECTOR MARTINEZ, III, YOB 1992, ARGELIO GARCIA, YOB 1992, and GERARDO VILLAREAL, YOB 1989.

9. ARGELIO GARCIA identified himself as being the signing party for the room and granted consent for the officers to search the room. Upon searching the room, officers located drug paraphernalia and a chrome .45 caliber Colt 1911 handgun, as well as, a variety of stolen vehicle parts.

10. VILLAREAL was patted down for weapons. The officer performing the pat down felt what he believed was a pack of pills in VILLAREAL's front pocket. VILLAREAL voluntarily showed the officer a pack of five red pills that, through training and experience, the officer believed were Clonazepam. VILLAREAL was taken into custody for possession of a controlled substance.

11. Through further investigation, it was discovered that VILLAREAL was also believed to be connected to an Aggravated Robbery that occurred in the immediate area and may have information regarding the Kidnapping of OVIDIO.

12. After being advised of his Miranda rights, VILLAREAL admitted to his involvement in the Kidnapping and provided information regarding the preparation and execution of the OVIDIO kidnapping.

13. VILLAREAL advised that he had been contacted by a man

he knows only as "PECUEKA" that he had previously met in Mexico. PECUEKA works directly for MIGUEL VILLAREAL, a.k.a. "EL GRINGO." EL GRINGO is a Gulf Cartel plaza boss in Mexico.

14. PECUEKA advised VILLAREAL that EL GRINGO had a list of people he wanted kidnapped and taken back to Mexico. The kidnappings were intended to be retaliation for the theft of a significant amount of cocaine. PECUEKA needed VILLAREAL's assistance to rent a room in Mission, Texas. VILLAREAL agreed to assist PECUEKA. While using a red Dodge Neon PECUEKA had provided, VILLAREAL rented room #158 for PECUEKA using cash PECUEKA had given him.

15. PECUEKA explained to VILLAREAL that he knew where all the intended victims lived. PECUEKA showed VILLAREAL these same locations, including the residence of GERARDO OLIVAREZ, a.k.a. "LIN," located in Mission, Texas, East of Los Ebanos Road, on 8 Mile Line Road. LIN is OVIDIO's cousin and one of several intended kidnapping victims.

16. During the third week of May, 2011, VILLAREAL performed surveillance on the houses of the intended kidnapping victims. VILLAREAL repeatedly drove throughout the area for the entire week. VILLAREAL performed surveillance on the intended victims with PECUEKA in a black Jeep Commander and identified unmarked law enforcement vehicles patrolling the area.

17. On May 28, 2011, PECUEKA took VILLAREAL to a ranch

located on Troster Road, between 5 Mile Line Road and 6 Mile Line Road. There, PECUEKA and VILLAREAL met with the rest of the kidnapping crew to discuss what PECUEKA wanted them to do. VILLAREAL observed the kidnapping crew to possess SWAT gear, assault rifles, magazines, body armor, and hand grenades. PECUEKA explained that EL GRINGO had provided the equipment.

18. VILLAREAL observed PECUEKA to be carrying a chrome .45 caliber Colt 1911 handgun. PECUEKA drove, with VILLAREAL in the passenger seat, to LIN's house in the black Jeep Commander in order to carry out the Kidnapping. Meanwhile, VILLAREAL observed five of PECUEKA's kidnapping crew leave the ranch in a silver Jeep Commander and two other male associates leave in a white Ford truck.

19. After driving by LIN's house, PECUEKA advised VILLAREAL that the two men in the white Ford truck would be responsible for physically obtaining LIN. PECUEKA stopped the black Jeep Commander at an intersection near LIN's home in order for PECUEKA and VILLAREAL to watch for law enforcement.

20. PECUEKA advised VILLAREAL that the two men in the Ford truck would impersonate police officers to avoid violence. The silver Jeep Commander parked across the street from LIN's house. PECUEKA received a telephone call from the two men in the Ford truck. PECUEKA advised VILLAREAL that the kidnapping had been completed. The vehicles then traveled toward Rio Grande City,

Texas. Unbeknownst to VILLAREAL and the kidnapping crew, they had not taken LIN, but they had actually taken OVIDIO.

21. PECUEKA drove VILLAREAL toward Rio Grande City, Texas, and dropped him off in Garciasville, Texas. PECUEKA advised VILLAREAL to be prepared to assist with the capture of the remaining intended kidnapping victims after the current victim was transported to Mexico.

22. VILLAREAL identified LIN from a photo line-up as being the intended victim of the Kidnapping. VILLAREAL had observed LIN while doing surveillance outside of LIN's home several days before OVIDIO was taken. PECUEKA paid VILLAREAL approximately \$1,000.00 over the course of the week for his participation and assistance in the Kidnapping.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.



James Matthew Moody
Special Agent
Federal Bureau of Investigation

Signed and sworn before me this the 15th day of December, 2011.


United States Magistrate Judge